IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 3433 of 2005

Between:

Devalla Ankaiah, S/o Venkatrayudu,
R/o D.No. 11-3-4-11, Vidyadharapuram, Vijayawada, Krishna

District.

..... PETITIONER

AND

1. The Secretary, Regional Transport Authority, Vijayawada,

Krishna District.
2 The Assistant Motor Vehicle Inspector, Tentagunta Check

Post, Tuni Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order, direction more particularly one in the nature of Writ of mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No. AP 12 T 4555 vide vehicle Check Report No. 1633881, dt. 13-2-2005 as illegal arbitrary and unconstitutional and consequently direct the respondents to release the vehicle bearing Registration No. AP 12 T 4555 to the petitioner herein.

Counsel for the Petitioner:MR.B.CHANDRA SHEKHAR

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

The Court at the admission stage made the following O R D E R:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No. AP 12 T 4555 vide vehicle Check Report No. 1633881, dated 13-2-2005 as illegal and arbitrary and consequently direct the respondents to release the vehicle of the petitioner forthwith.

The vehicle in question belonging to the petitioner was seized on 13-02-2005 by the 2nd respondent on the ground of certain irregularities alleged to have been committed by the petitioner, which are mentioned in the vehicle check report No.1633881.

Having regard to the facts and circumstances of the case, I consider it appropriate to dispose of the writ petition directing the respondents to forthwith release the subject motor vehicle to the interim custody of the petitioner subject to the petitioner depositing Rs.5,000/- (Rupees Five Thousand Only) and on filing an undertaking to the effect that he would not alienate, sell, encumber or transfer the vehicle in question in favour of third parties, pending enquiry before the 1st respondent and he shall furnish the vehicle as and when required by the respondent-authorities in the course of enquiry and investigation and that the petitioner shall deposit the tax due if any. No costs.

24.02.2005

Note:CC in two days

bo

usd

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. 2 CD copies
2. The Secretary, Regional Transport Authority, Vijayawada,

   Krishna District.

   3) The Assistant Motor Vehicle Inspector, Tentagunta Check

   Post, Tuni Mandal, East Godavari District.
4. Two CCs to G.P. for Transport, High Court of A.P.,

   Hyderabad (OUT)

*Form-NIC-OGS/WP{**AVLR**}*